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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,644	03/29/2004	Kelly Rollin	MSFT122019	4949
26389 7590 02/05/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER ORR, HENRY W	
			ART UNIT 2176	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,644	<b>Applicant(s)</b> ROLLIN ET AL.	
	<b>Examiner</b> Henry Orr	<b>Art Unit</b> 2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/2/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to application communication filed March 29, 2004;
2. Claims 1-42 are pending in the case. Claims 1, 15, 23, 31 and 38 are independent claims.

### *Claim Objections*

3. Claims 1-14 and 23-30 are objected to because of the following informalities:

Independent claims 1 and 23 recite the limitation **“the device picker returning a reference to the selected device back to the caller”**. It appears that the limitation of independent claims 1 and 23 should recite **“the device picker returning a reference from the selected device back to the caller”** because the selected device and the caller are two different entities therefore it is not clear as to whether the reference is being returned to the selected device, caller, or both.

Dependent claims 2-14 and 24-30 are objected to for fully incorporating the deficiencies of their respective base claims.

Appropriate corrections are required.

### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**5. Claims 31-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to abstract ideas that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims considered to be Non-functional Descriptive Material are not statutory even if in combination with a physical medium. see MPEP § 2106**

Claims 31 and 38 recite the term “**enabling**”, which fails to clearly claim the computer program segment to be recorded on an appropriate computer-readable media so as to be structurally and functionally interrelated to the medium and permit the function of the descriptive material to be realized. It is also unclear if the computer program segment is in executable form. Therefore, the claims are considered to cover an embodiment of non-functional descriptive material as a segment of computer program instructions per se.

Dependent claims 32-37 and 39-42 are rejected for fully incorporating the deficiencies of their respective base claims.

***Claim Rejections - 35 USC § 112***

**6. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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**7. Claims 1-14, 16-20 and 23-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 1, 3, 9, 25, 28 and 38 recite the term **“relevant”**, which renders the scope of the claims as indefinite. The term **“relevant”** is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 2, 3, 4, 9, 20, 25, 26 and 38 recite the pronoun **“it”**, which renders the claims as indefinite because what is being referred to as **“it”** is not set forth in the claims.

Claims 9, 20, 28, 32 and 38 recite the phrase **“such that”**, which renders the claims as indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 14 and 19 recite the phrase **“such as”**, which renders the claims as indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 3 and 4 recite the phrase **“the common file dialog”**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“the common file dialog”** in claims 3 and 4 is referring to previously recited **“the common file dialog object”** in base claim 2.

Claims 9 and 14 recite the phrase **“a user”**. There is insufficient antecedent basis for this limitation in the claims because it is unclear whether **“a user”** in claims 9 and 14 is referring to previously recited **“a user”** in base claim 1.

Claim 9 recites the phrase **“a device”**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“a device”** in claim 9 is referring to previously recited **“a device”** in base claim 1.

Claim 12 recites the phrase **“the names”**. There is insufficient antecedent basis for this limitation in the claim because **“the names”** has not been previously recited.

Claims 16 and 18 recite the phrase **“the devices”**. There is insufficient antecedent basis for this limitation in the claims because **“the devices”** has not been previously recited.

Claim 17 recites the phrase **“the device types”**. There is insufficient antecedent basis for this limitation in the claim because **“the device types”** has not been previously recited.

Claim 19 recites the phrase **“the device properties”**. There is insufficient antecedent basis for this limitation in the claim because **“the device properties”** has not been previously recited.

Claim 23 recites the phrase **“device selection” in line 2**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“device selection”** in line 2 of claim 23 is referring to previously recited **“device selection”** in line 1 of claim 23.

Claim 23 recites the phrase **“the selected device”**. There is insufficient antecedent basis for this limitation in the claim because **“the selected device”** has not been previously recited.

Claim 24 recites the term **“which”**, which renders the claim as indefinite because it is unclear whether **“which”** is referring to the caller or device picker in the claim.

Claim 25 recites the phrase **“the common file dialog”**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“the common file dialog”** in claim 25 is referring to previously recited **“the common file dialog object”** in base claim 24.

Claim 28 recites the phrase **“a user”**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“a user”** in claim 28 is referring to previously recited **“a user”** in base claim 23.

Claim 31 recites the term **“which”**, which renders the claim as indefinite because it is unclear whether **“which”** is referring to the computer-readable media or computer-program segment in the claim.

Claim 32 recites the phrase **“a user”**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“a user”** in claim 32 is referring to previously recited **“a user”** in base claim 31.

Claim 32 recites the phrase **“a device”**. There is insufficient antecedent basis for this limitation in the claim because it is unclear whether **“a device”** in claim 32 is referring to previously recited **“a device”** in base claim 31.

Dependent claims 2-14, 19, 24-30, 32-37 and 39-42 are rejected for fully incorporating the deficiencies of their respective base claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1, 5-12, 23, 27-29, 31-33, 35, 38, 39, 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Strittmatter et al. (hereafter referred to as Strittmatter), U.S. Published Application # 2004/0176118 A1.**

Regarding claim 1, Strittmatter teaches **“the triggering event is associated with another software application such that when the software application is initiated, the search process is triggered etc... If one or more devices are located, device identifiers, or other identification data, corresponding to each device located can be displayed” (par. 41).** (claim 1; i.e., a caller creating a device picker; the device picker displaying all of the relevant devices;) Examiner interprets the software application initiating the search as the caller creating the device picker. Examiner also interprets the display of device identifiers as the created device picker.



Strittmatter also teaches **“Once the user selects an imaging device, the transceiver logic 145 would establish a wireless communication link” (par. 43).** (claim 1; i.e., a user selecting a device;)

Strittmatter further teaches **“the detected device would respond to an inquiry and return various information relating to the server device” (par. 45).** (claim 1; i.e., the device picker returning a reference to the selected device back to the caller.) Examiner interprets the returned information as a returned reference.

Regarding claim 5, Strittmatter teaches **“the detected devices are then filtered based on their type and functionality” (par. 48).** (claim 5; i.e., further comprising the caller choosing an item filter to use.) Examiner interprets the type and functionality as examples of item filters chosen in the search process initiated by the calling software application.

Regarding claims 6 and 7, Strittmatter teaches **“The filter logic 315 can then generate a sorted list 320 of detected devices based on a relevance ranking of the device’s capabilities etc... A display logic 325 can then display the filtered list of detected devices 320 and present them to a user for selection” (par. 49).** (claim 6; i.e., wherein the item filter is created by the caller and the device picker is initialized with the item filter.) (claim 7; i.e., wherein the item filter is passed by the caller and the device picker is initialized with the item filter.) Examiner interprets the display of the filtered list of detected devices as the item filter initializing the device picker. Examiner considers the software application to be the caller that is capable of using the filter logic to create an item filter based on a particular type or pass an item filter such as filtered

list used to display to the user.

Regarding claim 8, Strittmatter teaches **“When defining attributes for a print request or as a default set, the attribute manager 950 can present the attributes to a user for selection and/or modification through a menu or dialog box”** (par. 80). (claim 8; i.e., wherein the item filter is created by the device picker.) Examiner interprets the attributes that the attribute manager provides to the user for selection as item filters created by the device picker. The sorted list of devices represent the device picker, which creates the attribute manager that provides the attributes (**“item filters”**) when the user makes a request such as a printer request.

Regarding claim 9, Strittmatter’s **Figure 14 illustrates a user interface that does not require a drop-down list box and displays selectable relevant devices for the user to choose and click on a device.** (claim 9; i.e., wherein the relevant devices are displayed in a user interface where a user can click on a device to select it such that a drop-down list box is not required for selecting the devices.)

Regarding claim 10 and 11, Strittmatter teaches **“display of individual device representations such as icons, text listings”** (par. 92). (claim 10; i.e., wherein the user interface includes icons for the devices.) (claim 11; i.e., wherein the user interface includes descriptions of the device types.) Examiner interprets the text listings as descriptions of the device types.

Regarding claim 12, Strittmatter’s **Figure 14 illustrates a user interface that includes names and status information about the devices (Figure 14; ref.#1430 and ref. #1450).** (claim 12; i.e., wherein the user interface includes the names of the

devices in addition to additional information about each of the devices.) Examiner interprets the status information as additional information.

Regarding claim 23, Strittmatter teaches **"the search is initiated once a triggering event is detected (block 205). The triggering event can be configured as a user initiated event etc...If one or more devices are located, device identifiers, or other identification data, corresponding to each device located can be displayed "** (par. 41). (claim 23; receiving a call for device selection; and in response to receiving the call, enumerating a set of devices from which a user can make a selection) Examiner interprets detecting a triggering event as receiving a call for device selection because the triggering event can be caused by the user initiating a search to be able to make a device selection. Examiner interprets the one or more devices located as being enumerated and displayed so that the user can make a device selection.

Strittmatter further teaches **"the detected device would respond to an inquiry and return various information relating to the server device"** (par. 45). (claim 1; i.e., returning a reference to the selected device back to the caller.) Examiner interprets the returned information as a returned reference.

Regarding claim 27, Strittmatter teaches **"the mobile device 900 may include an attribute manager 950 that includes logic to allow a user to define and set values for the desired service attributes 925 for an imaging request"** (par. 80). (claim 27 ; i.e., the user selecting an item filter to use.) Examiner interprets the service attributes as item filters defined or selected by the user because filtering the discovered

devices is based on user-specified service attributes (par. 81).

Claims 28 and 29 are substantially encompassed in method claims 9 and 10 respectfully; therefore claims 28 and 29 are rejected under the same rationale as method claims 9 and 10 above.

Claims 31, 32 and 33 are directed towards manufacture claims and are substantially encompassed in method claims 1, 9 and 10 respectfully; therefore the manufacture claims are rejected under the same rationale as method claims 1, 9 and 10 above. In respect to the computer program of manufacture claims 31, 32, 33, Strittmatter teaches software that is capable of implementing the limitations of manufacture claims 31, 32 and 33 as further explained in the rationale of method claims 1, 9 and 10. (see par. 29)

Claim 35 is directed towards a manufacture claim and is substantially encompassed in system claim 27; therefore the manufacture claim is rejected under the same rationale as system claim 27 above. In respect to the computer program of manufacture claim 35, Strittmatter teaches software that is capable of implementing the limitations of manufacture claim 35 as further explained in the rationale of system claim 27 above. (see par. 29)

Claim 38 is directed towards a manufacture claim and is substantially encompassed in method claims 1 and 9; therefore the manufacture claim is rejected under the same rationale as method claims 1 and 9 above. In respect to the computer program of manufacture claim 38, Strittmatter teaches software that is capable of

implementing the limitations of manufacture claim 38 as further explained in the rationale of method claims 1 and 9 above. (see par. 29)

Claim 39 is directed towards a manufacture claim and is substantially encompassed in method claim 10; therefore the manufacture claim is rejected under the same rationale as method claim 10 above. In respect to the computer program of manufacture claim 39, Strittmatter teaches software that is capable of implementing the limitations of manufacture claim 39 as further explained in the rationale of method claim 10 above. (see par. 29)

Claims 41 and 42 are directed towards manufacture claims and are substantially encompassed in system claim 27 respectfully; therefore the manufacture claims are rejected under the same rationale as system claim 27 above. In respect to the computer program of manufacture claims 41 and 42, Strittmatter teaches software that is capable of implementing the limitations of manufacture claims 41 and 42 as further explained in the rationale of system claim 27 above.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 2-4, 24-26, 36 and 37 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over Strittmatter as cited and applied to claim 1 above, in view of Cornell, Microsoft Office XP Technical Articles, "Using the FileDialog Objects", April 2001.**

The applied Cornell reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Regarding claims 2-4, Strittmatter does not expressly teach creating a common dialog box to display all the relevant devices. However, Cornell teaches **"File dialog boxes in Microsoft Office give users and applications the ability to manipulate files and folders"** (Introduction Section). (claim 2; i.e., wherein when the caller creates the device picker it in turn creates a common file dialog object.) (claim 3; i.e.,

wherein when the device picker displays all of the relevant devices it does so in the common file dialog.) (claim 4; i.e., wherein when the user selects the device it does so from the common file dialog.) Examiner interprets Cornell's Figure 1 to illustrate a file dialog box that is created to display a list of relevant elements such as all files belonging to the My Data Sources folder that the user can select.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create a file dialog box as taught by Cornell for the filtered list of devices as taught by Strittmatter to provide the benefit of obtaining and displaying the filtered list without having to build a custom user interface to present the filtered list of devices to the user. Thus, there will be a reduction in instructions to display the filtered list permitting memory and processing savings (Strittmatter; par. 103) (Cornell; Introduction).

Claims 24, 25 and 26 are substantially encompassed in method claims 2, 3 and 4 respectfully; therefore claims 24, 25 and 26 are rejected under the same rationale as method claims 2, 3, and 4 above.

Claims 36 and 37 are directed towards manufacture claims and are substantially encompassed in method claims 2 and 3 respectfully; therefore the manufacture claims are rejected under the same rationale as method claims 2 and 3 above. In respect to the computer program of manufacture claims 36 and 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program as taught by Strittmatter to perform the limitations of manufacture claims 36 and 37 as further explained in the rationale of method claims 2 and 3 above.

**12. Claims 13-22, 30, 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strittmatter as cited and applied to claim 1 above, in view of Chiloyan et al. (hereafter referred to as Chiloyan), U.S. Published Application # 2002/0083228.**

Regarding claims 13 and 14, Strittmatter does not expressly teach the devices displayed in the user interface as being right-clicked actionable. However, Chiloyan teaches **“The user clicks on an icon representing the desired peripheral device at a step 172 and selects an option to view the properties of that peripheral device” (par. 53).** (claim 13; i.e., wherein the devices in the user interface are actionable.) (claim 14; i.e., wherein the action ability of the devices includes a user being able to right-click on the devices to perform actions such as viewing the device properties.) Examiner interprets pointing device that the user uses to click the chosen device as right-clicked actionable because in Windows the right mouse button lets you view the properties of a file, folder or other object.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the devices displayed in the filtered list as taught by Strittmatter to include a properties sheet as taught by Chiloyan to provide the benefit of viewing additional details or attributes of the device. Thus, the user can easily determine a desired imaging device based on the device capability (**“properties”**) to process an imaging request. (Chiloyan; par. 53) (Strittmatter; par. 81, par. 86, par. 89)

Regarding claim 15, Strittmatter's Figure 1 and 3 illustrates the interface



component and the filter logic component, respectfully. (claim 15; i.e., a device selection user interface; a filtering component; )

Strittmatter does not expressly teach an enumeration component. However, Chiloyan's Figure 2 illustrates an enumerate device. (claim 15; i.e., a device enumeration component). Examiner considers an enumerate device to perform an enumeration function of specifying a list relevant objects. Examiner considers the filter logic as by Strittmatter to be capable of the same enumeration function of the enumerate device as illustrated in Strittmatter's Figure 3 specified list of relevant discovered devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strittmatter's filter logic to include a enumerate device component as taught by Chiloyan to handle the enumeration function originally performed by the filter logic to provide the benefit of separating tasks amongst components. Thus, maintenance of the filter logic is performed easier due to the enumeration function being designated to the enumerate device component (Strittmatter's Figure 3) (Chiloyan's Figure 2).

Claims 16, 17, 18, 19, 20, 21 and 22 are directed towards system claims and are substantially encompassed in method claims 10, 11, 13, 14, 9, 5, and 8 respectfully; therefore the system claims are rejected under the same rationale as method claims 10, 11, 13, 14, 9, 5, and 8 above. In respect to the system of system claims 16, 17, 18, 19, 20, 21 and 22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the system as taught Strittmatter in combination

with Chiloyan system as explained in the rationale of independent system claim 15 to perform the limitations of system claims 16, 17, 18, 19, 20, 21 and 22 as further explained in the rationale of method claims 10, 11, 13, 14, 9, 5, and 8 above.

Claim 30 is substantially encompassed in method claim 13; therefore claim 30 is rejected under the same rationale as method claim 13 above.

Claim 34 is directed towards a manufacture claim and is substantially encompassed in method claim 13; therefore the manufacture claim is rejected under the same rationale as method claim 13 above. In respect to the computer program of manufacture claim 34, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program as taught by Strittmatter to perform the limitations of manufacture claim 34 as further explained in the rationale of method claim 13 above (Strittmatter; par. 29).

Claim 40 is directed towards a manufacture claim and is substantially encompassed in method claim 13; therefore the manufacture claim is rejected under the same rationale as method claim 13 above. In respect to the computer program of manufacture claim 40, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program as taught by Strittmatter to perform the limitations of manufacture claim 40 as further explained in the rationale of method claim 13 above (Strittmatter; par. 29).

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Henry Orr whose telephone number is (571) 274 1308.

The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Henry Orr  
Examiner  
Art Unit 2176

1/22/2007  
HO



Heather R. Herndon  
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